

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to FIGS. 1, 2 and 6. This sheet replaces the original sheet including Figure 1 and Figure 2. In Figure 1, the blood level of the second blood collecting tube from the left is lowered in Figure 1. In Figure 2, reference character "1" is changed to "1' ". In Figure 6, reference character "1" is changed to "2". No new matter has been added by these amendments.

The attached sheet of drawings also includes new FIGS. 1a and 1b. Here, connector 5 is made movable in the vertical direction as shown by dotted lines A to facilitate attaching and detaching of blood filter units 2. Support for new FIG. 1a is shown, for example in the specification at page 7, lines 22-24. FIG. 1b shows that in the case of a ring shaped manifold 1, a connecting port 71 to a suction line 72 is provided at the center. Support for new FIG. 1b is shown, for example in the specification at page 6, lines 16-19. No new matter has been added.

Attachments:	Replacement sheet for FIG. 1, 2 and 6 Annotated sheet showing changes for FIG. 1, 2 and 6 New FIGS. 1a. and 1b
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REMARKS

This response addresses the issues raised by the Examiner in the Office Action mailed November 8, 2004. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. Claims 11-19 are pending in this case all to more clearly and distinctly claim Applicant's invention. Claims 11-18 are currently amended and Claim 10 is canceled. New Claim 19 is added. In view of the above amendments and following remarks, Applicant respectfully requests entry of the amendments as they place the application in condition for allowance or in better condition for possible appeal.

New Claim 19 claims a continuous blood filtration apparatus for separating plasma or serum from whole blood. The apparatus comprises (1) blood filter units, each comprising a suction nozzle, a filter chamber communicating with the suction nozzle and having a volume of 0.5 to 2.5 ml, a suction port communicating with the filter chamber and a glass fiber filter in the filter chamber; (2) blood collecting tubes for containing whole blood and having an opening for receiving and holding a blood filter unit placed through the opening such that the opening of the suction nozzle is below a surface of whole blood contained in the collecting tubes; (3) a manifold connected to a suction line, the manifold having a plurality of branches, each branch having a valve and a connector for connecting an end of each branch to a suction port of a blood filter unit; (4) a conveyor for conveying blood collecting tubes containing a blood filter unit to a connector such that the suction port of the blood filter unit is facing the connector; and (5) a means for moving the blood collecting tube containing the blood filter unit of which the suction port is facing the connector or the connector in a vertical direction to connect the suction port of the blood filter unit with the connector such that when a vacuum is applied through the manifold, blood is drawn from the blood collecting tube into the blood filter unit to filter the blood through the glass fiber and for moving the blood collecting tube or the connector to release the suction port from the connector after blood filtration is finished or after an amount of plasma or serum necessary for measuring by an automatic analyzer has been filtered. Support for this amendment appears for example, in the specification at page 16, lines 1-12 and 21-27 and FIGS. 1 and 2. Accordingly, it is respectfully submitted that no new matter has been added by the amendments.

Priority

The Examiner argues that the instant application is not entitled to be a continuation of Application No. 09/642,528 because the applications were never co-pending.

In Application No. 09/642,528, Applicants have mistakenly filed a petition for a four-month extension of time instead of the required five-month extension of time with the continuation application filed on September 29, 2003. Accordingly, Applicants have filed a petition to revive Application No. 09/642,528 and a petition for extension of time to pay the difference between the five and the four month extension fee on February 24, 2005.

Providing that the petition to revive is granted and the petition for extension of time for the five month is accepted, priority for the present application will be corrected. Thus, the present application will be entitled to be a continuation of Application No. 09/642,528.

Drawings

The Examiner objects to the drawings because they must show every feature of the invention specified in the claims. More specifically, the Examiner states that the “suction line”, “means for continuously placing” and “means for moving the suction port” must be shown or the features canceled from the claims.

To advance prosecution of this application, Applicants have added new FIG. 1a showing that connector 5 is made movable in the vertical direction as shown by dotted lines A to facilitate attaching and detaching of blood filter units 2. Support may be found, for example, in the specification at page 7, lines 22-24. In addition, Applicants have added new FIG. 1b to show suction line 72 and connecting port 71. Support may be found, for example, in the specification at page 6, lines 12-14 and 16-19. No new matter has been added. Further, Applicants have canceled Claim 10. Thus, Applicant respectfully requests the withdrawal of the present objection.

Specification

The Examiner objects to the specification as failing to comply with 37 CFR 1.75(d)(1). The Examiner states that the claimed features “means for continuously placing a blood filter unit in a vertical position in a blood collecting tube”, “means for moving the suction port of the blood filter into contact with the connector; and such that when a vacuum

is applied to the manifold, blood is drawn from the blood collecting tubes into the blood filter and through the glass fiber filter and for moving the suction port of the blood filter out of contact with the connector after a predetermined amount of blood has been filtered from the collecting tubes”, and “grasp means for elevating each blood collecting tubes to connect each blood filter unit to the connector”, must described the corresponding structure for each means-plus-function recitation in the specification.

To advance prosecution of this application, Applicants have canceled Claim 10. With regards to the term “grasp means for elevating each blood collecting tubes to connect each blood filter unit to the connector”, Applicants respectfully submit that grasp means is described on page 16, lines 21-25 of the specification. Accordingly, Applicant respectfully requests the withdrawal of the present objection.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Examiner rejects Claims 10-18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner states that there is no support for the structural element “means for moving the suction port of the blood filter into contact with the connector; and such that when a vacuum is applied to the manifold, blood is drawn from the blood collecting tubes into the blood filter and through the glass fiber filter and for moving the suction port of the blood filter out of contact with the connector after a predetermined amount of blood has been filtered from the collecting tubes”. Further, the Examiner is unaware of any association of a structure with “after predetermined amount has been filtered,” in combination with the other functions of the means-plus-function recitation.

Solely to advance prosecution of this application, Applicants have canceled Claim 10 and added new Claim 19 to address the concerns of the Examiner. New Claim 19 claims a continuous blood filtration apparatus for separating plasma or serum from whole blood that includes a means for moving the blood collecting tube containing the blood filter unit of which the suction port is facing the connector or the connector in a vertical direction to connect the suction port of the blood filter unit with the connector such that when a vacuum is applied through the manifold, blood is drawn from the blood collecting tube into the blood filter unit to filter the blood through the glass fiber and for moving the blood collecting tube or the connector to release the suction port from the connector after blood filtration is

finished or after an amount of plasma or serum necessary for measuring by an automatic analyzer has been filtered. In other words, the blood collecting tube or the connector is moved in a vertical direction to connect the suction port to the connector to apply vacuum to the blood filter unit to filter the blood and then the blood collecting tube or the connector is moved in a vertical direction to release the suction port from the connector. This is illustrated, for example, in FIGS. 1, 1a and 2 and at page 16, lines 4-12 and 21-27. Therefore, this rejection is rendered moot. Withdrawal of the present rejection is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 10-18 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner states that the phrases “means for continuously placing a blood filter unit in a vertical position in a blood collecting tube”, “grasp means for elevating each blood collecting tubes to connect each blood filter unit to the connector” and “means for moving the suction port of the blood filter into contact with the connector; and such that when a vacuum is applied to the manifold, blood is drawn from the blood collecting tubes into the blood filter and through the glass fiber filter and for moving the suction port of the blood filter out of contact with the connector after a predetermined amount of blood has been filtered from the collecting tubes” are unclear due to lack of association of such a function with corresponding structures.

To advance prosecution of this application, Applicants have canceled Claim 10 and added new Claim 19 to address the concerns of the Examiner. With regards to the term “grasp means for elevating each blood collecting tubes to connect each blood filter unit to the connector”, Applicants respectfully submit that grasp means is described on page 16, lines 21-25 of the specification. As stated above, new Claim 19 claims a continuous blood filtration apparatus for separating plasma or serum from whole blood that includes a means for moving the blood collecting tube containing the blood filter unit of which the suction port is facing the connector or the connector in a vertical direction to connect the suction port of the blood filter unit with the connector such that when a vacuum is applied through the manifold, blood is drawn from the blood collecting tube into the blood filter unit to filter the blood through the glass fiber and for moving the blood collecting tube or the connector to

release the suction port from the connector after blood filtration is finished or after an amount of plasma or serum necessary for measuring by an automatic analyzer has been filtered. In other words, the blood collecting tube or the connector is moved in a vertical direction to connect the suction port to the connector to apply vacuum to the blood filter unit to filter the blood and then the blood collecting tube or the connector is moved in a vertical direction to release the suction port from the connector. This is illustrated, for example, in FIGS. 1, 1a and 2 and at page 16, lines 4-12 and 21-27. Therefore, this rejection is rendered moot. Withdrawal of the present rejection is respectfully requested.

Rejection Based On JP 11-295301 Under 35 U.S.C. § 102 (b)

The Examiner rejects Claims 10-18 under 35 U.S.C. § 102 (b) as being anticipated by JP 11-295301. Applicant respectfully traverses this rejection.

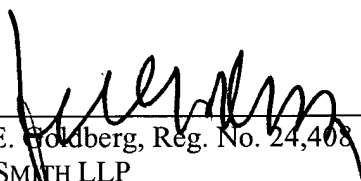
For a rejection to be sustained under 35 U.S.C. § 102 (b) each an every element of the claimed invention must be disclosed or cited in the prior art reference. Here, Applicants claimed priority to JP-11-295301 in Application No. 09/642,528. As stated above, Applicants have mistakenly filed a petition for a four-month extension of time instead of the required five-month extension of time with the continuation application filed on September 29, 2003. Accordingly, Applicants have filed a petition to revive Application No. 09/642,528 and a petition for extension of time to pay the difference between the five and the four month extension fee on February 24, 2005. Providing that the petition to revive is granted and the petition for extension of time for the five month is accepted, priority for the present application will be corrected. Thus, the present application will be entitled to be a continuation of Application No. 09/642,528. Therefore, an obvious rejection under 35 U.S.C. §102 (b) should be improper.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

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By



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